

~~CONFIDENTIAL~~

EXECUTIVE SESSION

S. RES. 231

Tuesday, March 21, 1950

United States Senate,  
Committee on Foreign Relations,  
Subcommittee Appointed Under S. Res. 231,  
Washington, D. C.

Senator Millard E. Tydings, Chairman of the Subcommittee

Francis O. Wilcox, Chief of Staff,  
C. C. O'Day, Clerk.

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ENCLOSURE

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The subcommittee met, pursuant to call, at 2:30 o'clock p.m. in Room G-23, United States Capitol, Senator Millard E. Tydings, Chairman of the Subcommittee, presiding.

Present: Senators Tydings (chairman of the subcommittee), Green, McMahon, and Hickenlooper.

Also present: Senator McCarthy.

Senator Tydings. This meeting has been called by the Chairman, after conferring with Senator McCarthy, so that Senator McCarthy might give to the committee the name of the very important person in the State Department concerning whom he desired to give the committee information, and Senator McCarthy is here and ready to proceed.

Senator McCarthy. There is nothing mysterious about this one. This is the case of Owen Lattimore. This has all been put in the record already, plus some exhibits.

You understand when I talk about what you will find in the files, this is to the best of my knowledge.

Senator Tydings. That is right.

Now, particularly, you are meaning the loyalty file in

this matter?

Senator McCarthy. I don't know what part of this you will find in the loyalty file.

Senator Tydings. How about the Civil Service file?

Senator McCarthy. I understand that the Civil Service Commission has in its file what ultimately goes in the loyalty file. The benefit of getting the Civil Service file as well as the State Department loyalty file is largely because in that way you have some check as to what is in the State Department loyalty file.

I might say on that, even assuming that there is no attempt to rifle the State Department loyalty files, assuming they are protecting them as fully as they can, the system of filing them is such that it is entirely possible that you will find many things missing from the loyalty file which are in the Civil Service Commission file, but actually there should be the same material in the State Department loyalty file that is in the Civil Service file.

To get to this fellow Lattimore, for Lattimore's stuff I think you will have to rely quite largely upon the F.B.I. file.

Senator McMahon. Have you contacted Hoover? Is Hoover in favor of displaying the F.B.I. files?

Senator McCarthy. I wouldn't know.

(Discussion of Mr. Lattimore was continued

off the record.)

Senator Tydings. It appears that he was once an adviser of Chiang Kai-shek. Then, when last year the State Department "White Paper" was written it actively reflected the thinking of Mr. Lattimore. In the "Atlantic Monthly" Mr. Lattimore wrote, "Sound policy would avoid premature excessive strategic development in the Far East." Again, "United States policy should aim to increase the ability of countries in Asia to do without Russia." Again, "For the problem of recognition of the new Government of China, the United Nations offers the ideal avenue to a solution. If a majority of the non-Communist countries in Europe, Latin America and Asia should vote to seat the new Chinese representative (meaning Communist) to the United Nations, the United States should not vote against that verdict," and so on and so on.

That is from the "New York World-Telegram and Sun" of the 15th of March, 1950.

Senator McCarthy. That gives you some of his background. He has also written a considerable amount. In case you care to get some of his writings, he wrote a book "Solution In Asia." I haven't read it at all. I have a few excerpts from it. He wrote for "Pacific Affairs." But this is entirely separate and apart from his writings. As I say, when I give you this information it is to the best of my knowledge, and I am absolutely confident that this is the case that you really

should find--well, it's explosive. If you crack this case it will be the biggest espionage case in the history of this country. That is my own personal thought on it.

He has been over in Baltimore, as you know, with Johns Hopkins. I don't know when he has been on the payroll of the State Department. I understand that he has very free access to a desk there and access to all the files, and comes in whenever he cares to..

Jessup has had a very close relationship with Lattimore. I personally think that Jessup does not have the slightest conception of what Lattimore is doing. I think that Jessup thinks that Lattimore is a liberal individual who feels perhaps that Communist Russia is more accurate than most of us feel Russia is. Beyond that I don't have anything that indicates that Jessup has the picture of Lattimore's activities, but I do think the files will show you that Lattimore has been using Jessup to do the things which he, Lattimore, himself couldn't do.

Lattimore is now, as I understand, over in the Khyber Pass. As I say, on this your information will be a lot more accurate than mine. I do not think he is on the pay roll of the Department of State or any government agency. I understand that he was invited over by the Afghanistan Government. Khyber Pass, as you know, is the one route from Russia over to the new area. What he is doing there I don't know. I do not think

the files will show anything as of now definitely of what he is doing, because any information they will get on that will be after a considerable lapse of time.

That is about the entire picture, that his files--the F.B.I. files- I think will just give you the one case.

Senator McMahon. Have you seen the F.B.I. files?

Senator McCarthy. I think I know what is in them.

Senator McMahon. That is not the question. Have you seen them?

Senator McCarthy. I will tell you, Senator McMahon, do not worry about whether I have seen them or not.

Senator McMahon. I am worried. You will either answer or you will not. You have or you have not.

Senator Tydings. Nobody is going to ask for your sources.

Senator McCarthy. Senator McMahon, let me tell you this.

Senator McMahon. Do not tell me anything. I am not interested in a single thing. That technique you have is not going to work on me. If you can not answer the question, that you have or you have not, then I am not interested in anything else you are going to say. That is the question: Have you seen the F.B.I. file or have you not?

Senator McCarthy. I heard your question.

Senator Tydings. Let me say this:

Senator McMahon. You refuse to answer?

Senator McCarthy. No, I don't refuse to answer.

Senator Tydings. We do not want to know your sources. But what I think we are entitled to know is, is this a speculation or have you had some contact with the files in one way or another that makes you think you have some accurate information?

Senator McCarthy. I am about as certain as I could be of anything as to what those files will show. As to whether I have seen them, who might have helped me get information, or things like that--

Senator Tydings. I do not want to know that.

Senator McCarthy. I know you do not.

Senator McMahon. Let me point out that that is a very material question. I want to make my question clear. We have not had any decision from the Executive Department as to whether we are going to see the F.B.I. files. If the Senator from Wisconsin is permitted the F.B.I. files, then I do not know why this committee should not be permitted to see the F.B.I. files.

Senator Tydings. I would rather think, from what he has already said, that he has talked with somebody who has seen the files in whom he has confidence. I think it would help our investigation, and I have no ulterior purpose to serve except frankness and honesty as far as it is permissible, and I assure you it comes from the heart: I think you might

say, "I haven't personally seen the files, but I know a man who has seen the files whose name I won't disclose, in whom I have confidence, who tells me this and that and the other thing is in the files." In other words, it will help us in our investigation if you will testify along that line.

Senator McCarthy. I think that is a very reasonable request, and I might say that I have not seen the original F.B.I. files.

Senator McMahon. The original F.B.I. files. Have you seen a copy of them?

Senator McCarthy. I think, Senator, whether I have seen a copy or not, not having seen the original I would have no way of knowing whether I saw a copy unless I compared it with the original.

Senator Tydings. Have you seen what purports to be a copy, or have you got your evidence from somebody who has seen the files? That is all.

Senator McCarthy. Let me say this. To the best of my knowledge, and I think it is good, I think it has been proven so far in dates and places that I have been giving the committee, the F.B.I. file will show in detail not the case merely of a man who happens to favor Russia, not the case of a man who may disagree with what we think about Russia, but a man who is definitely an espionage agent.

Senator McMahon. See how he goes away from the question?

Senator Tydings. He has tried to answer it. Let me say this. He has said this: He has said he has not seen the files, but he said if we saw the files he has reason to believe that this, that and the other thing he is going to outline would be in the files. I would like him to say that. I do not want him to give away anything; I do not want him to name anybody; I do not want to know his sources and do not want him to do any of that.

Senator McMahon. Neither do I.

Senator Tydings. But I would like to know if you have seen what purports to be a copy of the file or whether someone in whom you have confidence has seen the file and the following things are likely to turn up there. That is all.

Senator McCarthy. I know this:

Senator Tydings. I can not see where there is any harm in answering that question.

Senator McCarthy. It is the source of my information. If divulging that would actually aid in getting at the facts in the Lattimore case you would have it.

Senator Tydings. I will not ask you for the source.

Senator McCarthy. I will stretch a point a long way if the committee thinks information will be of benefit. Even though I do not think so, I will go as far as I can in getting the information. But where we have something that clearly, in my opinion, will be of no benefit to the committee in arriving

at the facts, then I just think it is a waste of time to go into those things.

Senator Tydings. Listen; I do not want to get your sources, and I will never ask you intentionally to disclose any of the sources that fortify you in what you want to say.

Senator McCarthy. I appreciate that.

Senator Tydings. I do not want to know it by indirection; I do not want to put anybody on the trail to find out. I am not interested in that.

Senator McMahon. Let me add that I feel the same way.

Senator Tydings. But I am interested in knowing whether or not you have seen a copy of the files or whether or not somebody told you what was in the files, simply as a means of weighing the credence of what you say. That is not going to stop us from looking at any files we can get hold of. Do you understand me?

But suppose I get hold of the files after this hearing and find nothing in them, just to illustrate. I would want to ask why certain papers are not in those files. Do you see my point?

Senator McCarthy. I do, yes.

Let me say this, and I am certainly not trying to avoid your question. I do not know if you have had any experience with the F.B.I. files or not. They are serialized and numbered. You could take things out of those files. It would

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be extremely difficult.

In the Kansas City case, which was not made public, I do not believe, some of the F.B.I. files were obtained, and it did appear that a sizeable number of documents had been removed. But the staff apparently--Flanagan and Rogers, I believe, were on the staff--had no difficulty at all detecting the number of documents that were removed. I think fortunately we did nothing about that publicly.

I was giving a picture of the files. As I recall, the evidence was that Hoover did not know anything about any removals, and such like. I merely mention that to show you if you get those files I do not think you will have any trouble at all knowing what is in them.

I have not talked to Hoover about this. If I did, I do not suppose he would give me the information.

Senator Tydings. I haven't either.

Senator McCarthy. I think if, as Chairman of this committee, you take this testimony over to him and say "Is this substantially true?", with the respect I have for Hoover I am sure he won't lie to you.

I want to make it very clear that Mr. Hoover has not given me any information himself of any kind from the files.

Senator Tydings. I know that.

All that I am asking you is this. I do not want to know the source. I would appreciate it if you would tell me

whether or not you have seen--and it is not difficult to see a great many documents that are secret--what purports to be a copy of the files. You have said, I know, you have not seen the files; or whether someone in whom you have confidence has said "I believe you will find this stuff in the files." That is all I want to know, just yes or no, and you can go on with your story. There can't be any harm done by that question. It does not say who told you. I don't want to know that. I just would like to know the method.

Senator McCarthy. I hope you don't push that question. You ask that question; the next question, of course, if I were questioning and if I did want to find out what the sources were, would be "Have you seen a photostat?" Then, "How large a document was it?"

Senator Tydings. I will not ask you any of those questions.

Senator McCarthy. Anything that I would give you I think would tend to disclose the source of my information. I do not think the committee should ask for that.

Senator Hickenlooper. Mr. Chairman, I would like to ask Senator McCarthy this question: Are the sources of your information which you have alleged here with regard to Mr. Lattimore and what is contained in his file, in your opinion and judgment, of sufficient reliability so that you rely upon them utterly and sincerely in basing your allegations?

Senator McCarthy. That's right, and I am absolutely convinced beyond any doubt that if the committee sees that file they will agree with me whole-heartedly that I have perhaps under-stated the case rather than over-stated it.

Senator Tydings, I am as sincere as any man can be in this case. This man is the top of the whole ring of which Hiss was a part. I think you will find this: I think you will find that Stephen Brunauer--and as I say I do not have the definiteness about this that I have about the others--is tied up with that ring, and the No. 1 case that I gave you, Herbert Fierst. That was the No. 1 case of the eighty-one. He, incidentally, was post-audited by the Civil Service Commission the same as Service, and they sent it back to the State Department, I understand--the State Department loyalty board. Just what they requested I don't know, but they expressed dissatisfaction, and I understand the State Department loyalty board shortly after marked the case "Closed."

As I say, I do not feel my source of information on this is as reliable as the stuff on Lattimore. I believe, however, that you will undoubtedly find that Fierst and Brunauer are tied up with Lattimore in this case.

Senator McMahon. Can I ask a question: You apparently thought what I was trying to do was to get your source, in which I am not interested at all. I wish to point out to you that if the files are open to you as a Senator, as apparently

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they must be, because you tell us what is in the F.B.I. files, it is very material for us to know that in making our request for a look at the same files, because if they are going to be opened to Senator McCarthy they certainly ought to be open to a Senate Committee. So much for that.

Now let me ask you this question about Lattimore:

Senator Tydings. Before you leave that, I want to serve notice here on every man in this committee, and in your presence, that I am going to do everything that I can do to get every file that is requested. The reason I am proceeding as I am is that the precedents show clearly that if I issue a subpoena they can turn it down and there is nothing I can do about it. What I want to do is get the files. Anything that you can say or do that puts me in a position to get those files is going to help you to prove your case, assuming that these facts as you allege them are true.

Now, if you do not give me something to go on, if I want to go to Hoover and show him this testimony, if I say "I want you to read this", I want to ask you if you can devise a way where I can verify this or not. Unfortunately Mr. Hoover, for this hearing, has taken the position, so I am well advised although I have not talked with him, that the minute he ever discloses one of the F.B.I. files, in the future if he goes to somebody for an interview about John Smith, the person, knowing that the files were subsequently opened, is

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going to refuse to be as frank with him as he would otherwise be, and he is scared of it.

I understand by the grapevine--I have nothing from the White House and nothing from any source except general gossip--that Hoover is protesting against the opening of any of these files, because F.B.I. reports are in the loyalty files.

Senator McMahon. But Mr. Hoover certainly will have to recognize--

Senator Tydings. Hoover is a right tough bird, and he isn't going to do this unless we can show him a particular circumstance that will justify him in making an exception. Mark my words!

Senator McMahon. But mark my words on this: If Mr. Hoover's files are going to be divulged to Senator McCarthy, and by him the contents of them to the press, then certainly the reason why we should not get them falls to the ground, because the Senator has made this charge against Lattimore. True, he did not attach his name to it last night, but he has made this charge. He has made it on the basis of the F.B.I. files.

Now, so long as a charge has been made on the basis of the files, I don't see how they are going to keep that F.B.I. file away from us. Therefore it is very material to find out whether the Senator from Wisconsin actually did have access to

those files.

Now, whether he physically had the file in his office or in his hands does not make a bit of difference. But did somebody read the file, somebody in a position of trust in the F.B.I., and give it to the Senator, or did he show him copies of the files?

That is why I thought it was very material to us to know the answer to that question.

Senator Tydings. I agree with you.

Senator McMahon. I would like to ask the Senator one further question right along that point.

Senator, in all of this information regarding Lattimore, which you say is so patent, which demonstrates him to be a bad egg, is there anything in your information to indicate that the Federal Bureau of Investigation turned over his case to any District Attorney or to the Attorney General or to the Assistant Attorney General for prosecution?

Senator McCarthy. I frankly do not know what the top men of the Department think on the subject of whether or not the case is ready for criminal action. I know this. I know that there are some who are aware of at least some of the facts--at least this is my best information--who feel that the case is ready for prosecution. I think you will find some in the Department who feel that the evidence is gotten in such a fashion that while it proves the guilt, it may not be in

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such shape that it could be presented in court.

Senator Tydings. The answer is "No", that you do not know it has been turned over to anybody for prosecution up to now?

Senator McCarthy. Here is my thought on that, and I do not know too much about the procedure. I do not believe that they ever turn a case over. I think it is discussed with the Justice Department and somebody in Justice who is interested is kept apprised of the facts as they develop, and I believe that the attorneys over in Justice, in the Justice Department, are the ones who decide when they will take the case and start prosecution.

Senator McMahon. That is not entirely true. It is sort of a mixed question. I mean by that that it is a mixed decision. It is true that in some cases the daily reports or weekly reports go forward to the Criminal Division. In other cases, according to my memory--of course this is ten years ago or more--they go through as they finish a case.

The Justice Department, at least while I was there, did not undertake a prosecution unless the investigative department said "We have completed the investigation and we are through. In other words, we have done all we can."

If you did not have that system in force you would find that you would be springing cases with only half of the case being investigated, springing them publicly, and I think it is

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very material to me to know, you see, and very important to know, whether this case has been turned over to the Criminal Division by the F.B.I. as a completed matter, or whether it is still in process between the Division and the F.B.I.

Senator Tydings. That would be a matter of record, and all you are asking Senator McCarthy is, does he know whether or not the matter has been put in the hands of the Department of Justice or any branch thereof for prosecution, and I take it from his answer that so far as he is advised, he does not know.

Senator McCarthy. That is correct.

Senator McMahon. You do not charge any dereliction in the prosecution forces of the Department? Do you charge any dereliction, from your present knowledge of the case, in the non-prosecution of the case?

Senator McCarthy. The answer to that is "No", for the reason that I do not know what the men in charge consider sufficient evidence to prosecute. One of the reasons why I wanted to take this in executive session is that it is entirely possible when you talk to Mr. Hoover or someone you may find that they feel they have a case that they could prosecute but they want this man, for all I know, left in the Department so they can follow up other leads.

Senator McMahon. You see, that is very important to our investigation, to know whether there is any charge--

(Discussion was continued off the record.)

Senator Tydings. What we want to know is this: Why do you think, in addition to what you have told us, that this man Lattimore is a bad fellow and the head of a spy ring, and so on? What makes you think that yourself?

Senator McCarthy. I think this:

(Discussion was continued off the record.)

Senator Green. I have been trying to listen and find out, but I have not yet found out, what the charge is.

Senator McCarthy. I think he is one of the top espionage agents. This man, I think, is one of the top espionage agents. If it is necessary--it may be, under your resolution--for you to charge him with being that, I will be glad to do it. In my opinion he is, and I don't know what kind of charge I should make, but I will be glad to make any charge that is necessary.

I am very serious about this. One of the reasons I hope you get this file is that I think it will dispel in the minds of some of the members of the committee this feeling: Some of them, I believe, have had the honest feeling that this was being done for political purposes. I think if I did not bring this forth I would be completely derelict in my duty, and I think after you see this case then we will be able to sit down and just man-to-man across the table discuss the other cases a lot more freely. In other words, if you get

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this, this will prove that I am completely wrong or it will prove I am 100 percent right. If it proves I am 100 percent right, I know in your mind no longer will there be any suspicion, as I think you have had that and most likely honestly so, that this was being done for political purposes. If you find I am right about Lattimore, then I think that a lot of the suspicion we have had flowing back and forth in this committee will be completely dispelled and I think we can go ahead and do a good job.

Senator Tydings. You think Lattimore is one of the biggest?

Senator McCarthy. By far and away.

Senator Green. What do you claim he has done to show that? Why do you think so?

Senator McCarthy. I think he is the top Russian spy.

Senator Green. Why do you think so? I thought you were going to give us some evidence.

Senator Tydings. Let me just say this:

Senator Green. If you do not want me to pursue my question, I will leave.

Senator McCarthy. Because I think the files will show he has been contacting and giving material to Russian espionage agents as part of an espionage ring.

Senator Green. I want to know if that is anything more than a suspicion on your part.

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Senator McCarthy. There is a firm conviction from all of the information that I can get that that will be in the files. If, when you get that file, it is not there, you will know that there is not too much to my claim.

Senator Green. You suspect that there is information in the file, but you do not know what, which shall sustain your belief?

Senator McCarthy. No, that is not right, Senator.

Senator Green. Correct me. I am trying to find out what you really mean.

Senator McCarthy. I do not suspect. I am firmly convinced that I know that the Lattimore file, the F.B.I. file, will convince you the same way I am now convinced, that you are dealing with the top espionage agent.

Senator Green. Have you any facts that convince you of that?

Senator McCarthy. Yes. I think you will find in that file--

Senator Green. They are in your mind, too, aren't they now?

Senator McCarthy. I am giving you the benefit of all my investigation.

Senator Green. Yes, but you are just giving me the conclusions. Your conclusions must be based on certain facts that have been brought to your attention, and I was wondering

whether you were going to give us those facts.

Senator McCarthy. I am trying to give them to you. Can we have an agreement that I can complete my answer before I am interrupted?

(The Reporter re-read the pending question.)

Senator McCarthy. The fact is that to the best of my knowledge the file will show the complete workings of an espionage ring. That is the best I can give you, Senator. I have not been able to run down all the vast amount of work that the government investigative agencies have been doing. I am telling you that this is the one case in which I think we can easily have a determination by this committee as to whether or not my charges are well founded or not. I think for the balance of the investigation you should know that. If I am completely mistaken on this case, then you can assume that many of the other cases--

Senator Tydings. This is the key?

Senator McCarthy. Yes, sir, and when you see that file, Senator Green, I am sure that you will agree with me whole-heartedly.

Senator Green. Let me ask the question again in another way. Have you any evidence that produces conviction in your mind that he delivered confidential papers to an enemy?

Senator McCarthy. I frankly can not even come remotely complete in giving you the case you would have in the file.

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I think you have simply got to get that file. I don't think I can give you enough material to make out a criminal case with the investigation I have. All I can tell you, Senator, is what, to the best of my knowledge, is in those files.

Senator Green. If that is all, it seems to me that my designation of it as suspicion is in your mind a conviction. It seems to me you must have some facts upon which to base it.

Senator McCarthy. You might call it a suspicion; I call it a conviction. We have a different name for it, apparently.

Senator Tydings. What I get out of it is this, that you have a conviction, based on certain things that you have seen or heard, which lead you to the conclusion that if these files are examined, evidence will be found to show that this man is the key man in a Russian espionage ring.

Senator McMahon. He is a traitor.

Senator McCarthy. That is putting it pretty well. I think he is.

Senator Tydings. Furthermore, I get this out of the combined colloquy that has gone on, that without disclosing how you have that conviction, information has come to you which leads you to that conclusion.

The next thing I get out of it is that the information has come to you in a way you do not care to disclose--

information which supports the position that you have taken.

Senator McCarthy. Yes.

Senator Tydings. The next thing I get out of it is that you yourself said you have not seen the files, which I would assume to be true without asking you, but that in other ways you have received information as to what is likely to be found in the files.

Senator McCarthy. I have not seen the files.

Senator Tydings. But in other ways you have formed your opinion from information that you think will be in the files.

Senator McCarthy. From all the information I can possibly get.

Senator Tydings. Have you any questions, Senator Hickenlooper?

Senator Hickenlooper. No.

Senator Tydings. Senator McMahon?

Senator McMahon. I think it is exceedingly important that we develop, in view of what Senator McCarthy says, whether or not, in addition to there being a traitor in the Government, there has been laxity in rooting out this traitor, and therefore I wish to develop in the questions I now ask, if I can develop, whether or not the Senator, from his information, thinks that in addition to the traitor being there there has been dereliction of duty in bringing him to

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light. What is your conclusion on that, Senator?

Senator McCarthy. Senator McMahon, I am not evading your question. First we start at the top. When you ask that question I say to myself, "Is Acheson derelict in his duty?" I do not know what part of these facts have been brought to his mind. I just frankly think that you will have to wait until you get the files and find out how much of that has been transmitted to State and how much has been transmitted to Justice.

Let me say this. In order to answer that question you would have to first know whether he is being used as a decoy at this time. I do not think he is, but that is possible.

No. 2, whether or not this is true: For all I know, the Attorney General may have said to State, "Keep him on. Let him use that desk, because if you deny him the desk he will know that we are after him."

I would say this. If he is not being used as a decoy-- no, it is impossible to answer, Senator.

Senator McMahon. In other words, you have not enough knowledge to make the further charge that there is dereliction of duty existing on some official's part?

Senator McCarthy. I do not think I would be in a position to make any charge.

Senator McMahon. That is all I want to find out. Let us find out where we are. That is a perfectly reasonable

position for you to take. I have no quarrel with it at all.

Of course, as you say, there may be that explanation of it, assuming your substantive facts are correct. On the other hand, it may be that if your substantive facts are correct the failure to have done something about it is of direct concern to this committee.

Senator McCarthy. I think we will get along a lot better, and you gentlemen will have a lot more confidence in what I tell you, after we get that file.

Senator Green. You mean that you can supplement the file and give us more information after the file is produced?

Senator McCarthy. No. I think this: I think maybe in your mind you have a suspicion of these facts I am giving you. I think this will prove definitely how much weight you can place upon my testimony from now on.

Senator Green. You have additional testimony to give?

Senator McCarthy. I might say this: I have a number of former F.B.I. men working for me. We are trying to develop facts. Anything that is developed will be made available to the committee.

Senator Green. Have you now any information in addition to what you say we can get from the files?

Senator McCarthy. Do you mean on Lattimore?

Senator Green. Yes.

Senator McCarthy. I have been getting information about

him for some time, Senator. I brought the conclusions together and put them in this document. At that time you recall I asked to be further heard in executive session, because at that time I did not want to disclose the additional information which I gave here.

Senator Green. Are you willing to now?

Senator McCarthy. I think you have everything that will be of value to the committee. I do not think there is anything additional that I can give you.

Senator Green. You have not given us any information about his misdoings.

Senator McCarthy. Take that along with you and read it. I gave you all that.

Senator Green. When?

Senator McCarthy. The other day in the hearing.

Senator Green. I don't understand.

Senator Tydings. He read the statement the other day in the hearing.

Senator Green. Oh, that. You have no additional facts?

Senator McCarthy. There is nothing additional that I think would be of great value now. As any facts come to me in regard to this case or any of the cases that will be of benefit, I will certainly be glad to give them to the committee. After all, we are doing the same job here, Senator.

Senator Green. Certainly. From the way you expressed

yourself, I thought you had additional information that you would give us after we had seen the files.

Senator Hickenlooper. Contrary to opinion, I am not concerned with the method or details at the moment of acquiring these files. I am concerned with the fact of acquiring the nine files that have already been mentioned publicly.

Senator Tydings. I am trying to get them.

Senator Hickenlooper. I am not concerned at this moment whether we get them by subpoena or by otherwise. The important thing to me is to get our people to have access to the files, and I think that this committee is in a position to have sometime since made a formal request. So far as I know, this committee has made no request.

Senator Tydings. I took for granted you would want the Chairman to do it.

Senator Hickenlooper. I am not criticizing what the Chairman has done. That is not the point. I am saying, so far as I know there has been no formal action of this committee even requesting these files.

Senator Tydings. I have done this. I have said the committee wants these files. Senator McCarthy wants these files. I have reason to believe that the President wants to give us the files. I likewise have reason to believe that the State Department wants to give us the files. I likewise have reason to believe that Mr. Hoover and Senator Howard

McGrath probably are concerned about this question of opening the files for fear of its effect on future investigations, but I have said "I don't care what McGrath wants or what Hoover wants, I want those files."

Well, the State Department says "We want to give them to you. We are trying to work out a procedure whereby we can give them to you. We have to communicate with the Executive."

They had hoped to give them to me on Monday. I did not get them on Monday, and I am after them every day on the telephone, doing all I can. If I subpoena them I am going to make them all mad and won't get the files.

Assuming Senator McCarthy has a good case here, and he may have it for all I know, it is not going to be proven unless we can get hold of the files, because the evidence we have to rely on, as he himself admits, is the files.

Senator Hickenlooper. I have never demanded up to this point that the first move in the acquisition of files or the attempt to get them be by subpoena.

Senator Tydings. What do you want me to do?

Senator Hickenlooper. For the sake of the record and for the sake of procedure, I now move that this committee proceed first to request the delivery of all of the loyalty, personnel, and employment files from the Department of State on the nine persons publicly named by Senator McCarthy; that we also request employment, security, personnel and loyalty files,

whatever they are, all the files, on the same individuals from the Civil Service Commission; and that they request from the Federal Bureau of Investigation or the Department of Justice, whoever has the authority, or both, the complete investigative files on these same nine individuals.

In making that motion I want to say that I do not say that the request should be exclusive. If we get turned down on that request, and I am not trying to push the Chairman--

Senator Tydings. We will deal with it then, if we get turned down.

Senator Hickenlooper. I make this motion so there will be some formal action and sense of this committee, rather than just the chairman of the committee going out on his own on this business.

Senator Tydings. I think it is a good suggestion.

Senator Hickenlooper. Then I would like to suggest, as a part of that motion, that request be made immediately of those departments, and I want to make it clear that if we are turned down on any of those then I shall pursue it immediately with a motion to subpoena, in the language of the resolution. I feel we have a duty to attempt to carry out the mandate of the resolution. Maybe your brief is right. I do not say that it is or it is not.

Senator Tydings. You want the State Department file, the Richardson file--I will call it that for short--and the F.B.I.

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file?

Senator Hickenlooper. That is right.

Senator Tydings. I shall draft, if I have time this afternoon, a formal letter, if the committee does not vote me down.

Senator Green. I think we ought to make a list. I think we ought to go through all the names that have been submitted and pick out those on whom we think there is reason to ask for the files. I would not limit it to the nine. I would go through all the list we have of names that have been submitted to us.

Senator Tydings. Would you amend that in line with his suggestion to instruct the Chairman to ask for the files, or any part of the files--

Senator Hickenlooper. No; all of the files.

Senator Tydings. Would you allow me, instead of asking for the nine files, to ask for all of them?

Senator Hickenlooper. The sense of my motion is this, and the way I feel about it: I think that we are obligated to attempt to get the nine files that are publicly named.

Senator Tydings. Can I ask for all of them at one time and take the nine out and look at those first?

Senator Hickenlooper. I feel that we may have much more chance of getting them peacefully, the nine, rather than 80-some at this moment.

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Senator Tydings. Then you do not want me to ask for any files except the nine?

Senator Hickenlooper. Yes, but I would like to have the nine separately.

Senator Tydings. I have already asked for them all, but I will now formally write a letter and particularly ask for the nine you have in mind.

Senator Hickenlooper. At this time.

Senator Tydings. Will you give me the list of those nine this afternoon in my office, at your earliest convenience, Senator McCarthy, so I will be sure to get the nine names you have in mind?

Senator Green. I do not think he is the only one to be sure as to these nine names and I do not see why there is objection to increasing that number to all those who have been named.

Senator Hickenlooper. If I may conclude, I will say I am putting the nine in one category for the reason that they have been publicly mentioned by name and they are apt to come and demand a hearing, and I think it is utterly futile to attempt to question a person without those files. Maybe after seeing the files there may not be a single question to ask of those individuals.

Senator Tydings. You want the files, do you not?

Senator Hickenlooper. Yes.

Senator Tydings. Here is the reason I asked for all of them: If we get permission to see these files, we will get it a whole lot easier if we can get them in all at one time than if I ask for four or five every day. That is just common sense, because there will be a precedent started the minute they give us the files, and they will want to know how many files you want and everything else, which seems simple here, but when I am on the other end of the thing with one man down there it is tough.

Senator, I told you in the beginning that I was going to exert every influence I had to get these files, and I tell you I am standing between not getting them now and getting them, more than anybody. If I go down and ask them for nine, it does not seem to me that they will want to give us nine and say "Come another day for nine" and "Come another day for another nine." If I ask for them all, to have them locked up in a room, we will then, when they are on the table, say "Let's pick out those nine and go through those first."

It may seem simple to say "What difference does it make, to give you nine at one time?" It does make a difference. I am dealing with some people in the Administration who are opposed as a matter of principle to turning over one of these files, and I have done the best job of salesmanship to get them of which I am capable.

Senator Hickenlooper. You understand that in no way am I

resisting or opposing the acquisition of all the files.

Senator Tydings. If I get them all it is satisfactory to you?

Senator Hickenlooper. On all the lists that Senator McCarthy has listed, I have a feeling--this is just in executive meeting--that there may be a number of names on some of the longer lists that we may consider inconsequential or of no value to get and pursue. That may be true; I don't know. My thought is, we will get the nine, look at those, and then get the others.

Senator Tydings. You do not want it to go out to the press that we have only asked for nine files. I will have to say that I wanted them all the the Republicans wanted only nine, if they put me up against the wall. These fellows have ways of finding out things. Why not get them all, and we will agree right here and now that we will look at the nine first.

Senator McCarthy. I think that is right.

Senator Tydings. If I go down for nine files they will say "What is going on?" These fellows will have it in the afternoon paper and I will be put in the position of sitting out as the Iron Curtain in front of this investigation.

Senator McCarthy. One of the files you want to get is the personnel file of Charles W. Thayer. He is one of the names. He was until several weeks ago in charge of the desk of the "Voice of America" in New York and he was, I understand,

assigned to those two Russian fliers that were brought to this country. I think you will find letters from the F.B.I. objecting to that because of his unnatural conduct.

Senator McMahon. He's a "fairy"?

Senator Hickenlooper. Entirely independently of anything Senator McCarthy says, or that stems from him at all, I have some independent information on Thayer which I believe to be accurate. It comes from a pretty high source, that he is a bad apple.

Senator Tydings. Why not make your motion to tell me to get the nine files?

Senator Hickenlooper. I move that the Chairman be authorized and directed by the subcommittee to immediately request all of the security, loyalty, and personnel files of the State Department and of the Civil Service Commission and the F.B.I. investigative files on, No. 1, the nine persons publicly mentioned by Senator McCarthy; No. 2, the list of twenty-five that he gave; No. 3, the list of eighty-one, or whatever it is, that he has furnished to the subcommittee by delivery to the chairman.

Senator Green. Now I would like to ask a question. I have been trying to for some time. Does that include Dr. Jessup and Miss Kenyon?

Senator Tydings. Oh, yes.

Senator Green. Does it include all those names that

have been submitted--

Senator Tydings. Everybody.

Senator Green. I haven't finished the sentence. Does it include all those names that have been submitted on whom no information whatever has been given?

Senator Hickenlooper. It includes those as a direct result of the request of the Chairman.

Senator Green. If it does, I am opposed to that motion, and shall vote against it. I am not going to vote for asking for files on persons against whom there is no evidence whatever before this committee.

Senator Hickenlooper. I am caught between the Chairman and my motion!

Senator Tydings. This boy started something and he wants to finish it. He has said Lattimore is his big key man. He has given us some details of the eighty-one cases on the floor of the Senate. For the time being let's confine this request to something we have the greatest opportunity on.

Senator Hickenlooper. No, because there is one man whose name is in that list of twenty-five that I think is probably as dangerous a man as the man he has mentioned. That is my own personal suspicion. That is only a suspicion, but his name is on the list of twenty-five: I just happened to see it from the Chairman's pocket.

Senator Tydings. If you give me his name, I will try to

get his in addition to the eighty-one plus the nine.

Senator Hickenlooper. No. I have bounced around on this motion--

Senator McCarthy. In the twenty-five there is actually a duplication of two. Two of the twenty-five I understand are in the eighty-one.

Senator McMahon. I amend the Senator's motion by suggesting that the twenty-five against whom no specific charges have been made be omitted from the request.

Senator Green. I think they all should be omitted from the request--those against whom no substantial evidence has been submitted.

Senator Tydings. We have an amendment. The Chairman is hereby directed to request immediately from the F.B.I., from the State Department, and from the Civil Service Commission, the files of all persons against whom any charge has been made. That would include the nine he has given us in open session and it would include the eighty-one cases about which some evidence was given on the floor of the Senate.

Senator Green. In some cases no evidence was given.

Senator Tydings. One Senator McCarthy himself said was not much of a case. I would rather ask for the whole eighty-one.

Senator Hickenlooper. I thought you wanted the twenty-five too, a while ago.

Senator Tydings. Are you ready for the question? We are voting on the Brien McMahon amendment. All those in favor will say "aye"; opposed, "no."

Senator Hickenlooper. "No" with a qualification that I want the twenty-five included.

Senator Tydings. Do you vote either way?

Senator Green. That is on omitting--

Senator Tydings. Omitting the twenty-five.

Senator Green. Yes, but I think there also should be omitted those in the eighty-one against whom no charges have been made.

Senator Tydings. Let's go along. Then the motion is on the Hickenlooper proposition as amended. All those in favor say "aye." Opposed, "no." The motion is carried.

Senator McMahon. Now, if the request is not complied with, we will subpoena. Let that come later.

Senator Hickenlooper. The committee has taken no action on that.

Senator Tydings. What we have done here is, you have asked me to request the files. I have already said I have requested them, but we want the formal thing so there won't be any question.

Senator Hickenlooper. I want the record to show that there is in that list of twenty-five one man who is utterly dangerous.

(Whereupon, at 3:50 p.m., the hearing was adjourned.)